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St. Helena

Working paper prepared by the Secretariat*

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I. General

1. The Territory of St. Helena,[1] which is administered by the United Kingdom of Great Britain and Northern Ireland, consists of the island of St. Helena and two dependencies: the island of Ascension and a group of small islands forming the dependency of Tristan da Cunha.

2. Situated in the South Atlantic Ocean, approximately 1,900 kilometres from Angola and 2,900 kilometres from Brazil, St. Helena is a small island of volcanic origin. The Territory comprises a total land area of 412 square kilometres: Ascension lies 1,200 kilometres to the north-west of St. Helena, and Tristan da Cunha and the other small islands are approximately 2,400 kilometres to the south of it. St. Helena, where Jamestown, the capital of the Territory, is located, is the largest island, with an area of 122 square kilometres. The islands enjoy a tropical climate tempered by trade winds that blow throughout the year. They have distinctive flora and fauna, with many rare or endangered species.

3. The inhabitants of St. Helena are known as "Saints" or St. Helenians, and are of mixed origin (see para. 4 below). According to the 1998 census, 5,010 people lived on St. Helena. However, as of July 2003, the St. Helena Statistics Office estimated that there were from 3,750 to 3,800 inhabitants on the Island, meaning that a quarter of the population had left in just over five years. The Office noted that following the re-introduction of granting British citizenship for Saints in 2002, the Island had experienced an exodus. While it is difficult to provide any exact forecast of the future population, it is likely that the high emigration numbers will fade out as most people with a desire to leave the island have already done so, combined with a depletion of the population in the age groups most likely to leave.[2] Approximately one third reside in Jamestown. English is the only language. Access to St. Helena is provided by the *Royal Mail Ship (RMS) St. Helena*, which stops en route between Cardiff in the United Kingdom and Cape Town in South Africa. The nearest airstrip is located on Ascension.

II. Historical background

4. St. Helena was discovered in 1502 by the Portuguese navigator Juan da Nova on St. Helena Day, 21 May. It was an uninhabited island. Its existence was kept secret until the English seafarer Thomas Cavendish came upon it in 1588. In 1633 the Netherlands claimed the island but did not occupy it. In 1658 a charter from the Lord Protector of Britain authorized the British East India Company to colonize and fortify the island, which was subsequently settled by the English. Slaves were brought from Africa, Madagascar and the Far East. Chinese and some Indian indentured labourers were brought to work on the island. King George II issued a charter to the East India Company setting out how the island should be fortified and governed. In the charter the King also gave the inhabitants full English citizenship in perpetuity. Napoleon Bonaparte was exiled to St. Helena from 1815 until his death in 1821. St. Helena became a Crown Colony in 1834. In May 2002 St. Helena celebrated the 500th anniversary of its discovery.

III. Constitutional and political background and developments

5. The St. Helena Constitution Order of 1988, which entered into force on 1 January 1989, replaced the Constitution of St. Helena and dependencies introduced on 1 January 1967. Under the new Constitution, the Governor and Commander-in-Chief, who is appointed by the Queen, administers the Territory. He is assisted by an Executive Council and a Legislative Council.

6. The Legislative Council comprises the Speaker, 3 ex officio members (the Chief Secretary, the Financial Secretary and the Attorney General) and 12 elected members. The Executive Council is presided over by the Governor and consists of the ex officio members and five of the elected members of the Legislative Council. Although a member of the Legislative Council and the Executive Council, the Attorney General has no vote in either body.

7. Elections are held by secret ballot at intervals of not more than four years, by universal suffrage for those aged 18 years and over. While two political parties exist, since 1976 they have been inactive and elections have been held on a non-partisan basis. The most recent general elections were held on 27 June 2001, when 12 candidates representing eight constituencies were elected to the Legislative Council. The next election is scheduled for June 2005.

8. The judicial system, based on the laws of the United Kingdom, is administered by the Supreme Court (there is a non-resident Chief Justice) and by a Magistrate's Court presided over by the senior of the three magistrates sitting at a session. There is also a Juvenile Court and a Small Debts Court. Provision exists for a Court of Appeal consisting of three judges, which can sit at Jamestown or London.

9. In January 1983, when the British Nationality Act came into force at the end of the Falkland Islands (Malvinas) conflict, St. Helenians had their citizenship rights taken away. The islanders considered that the restoration of full British citizenship was a matter of basic human rights and, through a Citizenship Commission set up in 1992 by the Anglican Church on the island, they focused on raising public awareness with regard to citizenship and the constitutional development of the Territory. In 1994 the Legislative Council of St. Helena requested a review of the Constitution to include provisions for a bill of rights. There followed a number of discussions and debates in both the local Legislative Council and the United Kingdom House of Commons. (See A/AC.109/2115, paras. 4-8, A/AC.109/1999/16, paras. 4-12, A/AC.109/2000/8, paras. 13-17, A/AC.109/2001/16, paras. 10-15, and A/AC.109/2002/5, paras. 9-14).

10. On 17 March 1999 the British Government submitted in the House of Commons a White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories",[3] which enumerated changes in the relationship between the United Kingdom and its territories. The stipulations in the White Paper of greatest relevance to St. Helena were an offer of British citizenship, and with it the right of abode in the United Kingdom for those who chose to accept it, and a commitment to continuing financial assistance to those Territories that remained economically dependent on British aid. The Citizenship Commission and the elected members of the St. Helena Legislative Council discussed the White Paper and presented their findings to the Government of the United Kingdom in June 1999.

11. In July 2001, the British Overseas Territories Bill was introduced to the House of Lords for its consideration.[4] The parliamentary process on the bill was completed, and it received Royal Assent in February 2002, and became the British Overseas Territories Act 2002. The citizenship provisions came into effect on 21 May 2002. The St. Helena Citizenship Commission thanked the British Government for upholding its 1999 commitment to restoring citizenship rights and added that it augured well for "the other policy matters in the White Paper and for a true partnership".[5]

12. With respect to constitutional developments, there have been several initiatives since 1999: first, the position often expressed by the Citizenship Commission that discussions with United Kingdom authorities should include debate on the merits of various constitutional options for St. Helena, namely the status quo, Crown dependency or integration; and secondly, the 1999 report of a Constitutional Commission established by the Governor, which presented proposals on a range of issues related to governance but made no progress in determining the kind of relationship that the island wished to have with the United Kingdom. However, in May 2003, elected members of the Legislative Council advised the public that they were proposing a Cabinet system of Government for St. Helena and that they had decided to pursue what is referred to as a three-tier ministerial government, which they felt best reflected the general wishes of the people for a more responsible and democratic government. The proposals set forth were not in the form of a draft constitution, but a draft heads of Agreement that the elected members wished to see contained in the new constitution.[6] A new constitution is expected to be in place by June 2005, in time for the next general election.[7] In December 2003, the Foreign Affairs and Commonwealth Office organized the fifth meeting of the Overseas Territories Consultative Council in London. The representatives of St. Helena discussed constitutional development and an upcoming visit to the British Virgin Islands to view how a ministerial form of government worked (see para. 19 below).[8]

13. Notwithstanding the regular exchanges between the St. Helena Government and the administering Power on constitutional development, the Territory continued to seek independent advice on constitutional matters. As a result, Alison Quentin-Baxter, a barrister of the High Court of New Zealand and an expert on small territories, visited St. Helena from 25 September to 11 October 2002 and again, from 29 April to 6 May 2003. In her capacity as independent constitutional adviser to the people of the Territory, with funding provided through the Commonwealth Secretariat, Mrs. Quentin-Baxter, after a wide consultation process, presented an issues paper in October 2002, entitled "St. Helena and its dependencies — exploring options for their future constitutional development".

14. Following the discussions with the independent adviser, on 11 October 2002 the Speaker of the Legislative Council announced that that body would put proposals for constitutional change before the public to see if they were well supported. The key features of the Legislative Council's proposals for constitutional change, as reported in the media,[9] were as follows:

- The Legislative Council should become a legislative assembly of 12 members, eight of them elected to represent constituencies and four elected by all the island's voters.
- Executive powers of Government should be based on a cabinet system, with the cabinet consisting of a chief minister and three or four other ministers. All

voters should elect the chief minister from among legislative assembly members. Immediately after a general election, a second round of voting would be held for this purpose. The voting system should require the successful candidate to obtain at least 50 per cent of the vote cast.

- The chief minister would select three or four other members of the assembly to serve as cabinet ministers. The cabinet would exercise the general direction of the Government of St. Helena.
- There would also be an executive council consisting of the chief minister and other ministers, which would meet with the Governor to keep him informed about the conduct of the Government of St. Helena and to tender advice about the exercise of any executive powers for which the Governor continued to have special responsibility. These should not include finance or shipping.
- Members of the legislative assembly not in the cabinet would be members of select committees with powers of scrutiny. They would examine bills and public accounts. They should also have the power to enquire on their own initiative into any matter of Government policy or administration.
- In addition, the new Constitution should include a modern bill of rights chapter and provision for a judicial service commission and a public service commission (recommendations of the 1999 Commission of Inquiry on the Constitution).

15. From October to December 2002 the Legislative Council organized several rounds of public meetings in community centres throughout the island to ensure the maximum participation of the people in the issue of constitutional development and to obtain feedback on the Legislative Council's proposals. In addition, numerous controversial letters, articles and editorials appeared in the local media.

16. The elected members' proposal for a three-tier ministerial government followed intensive discussions with Mrs. Quentin-Baxter during her visit to St. Helena in May 2003, at which time there were also ongoing negotiations with a visiting team from the Foreign and Commonwealth Office. Following is a summary of the proposal, which has been widely distributed to the public:

1. The proposal is based upon the Consultative Paper issued in October 2002 (see para. 13 above), with the following two changes:

(a) Elections Legislative Assembly members would be held on an island-wide basis on a single roll. All 12 members would be elected by all voters;

(b) Instead of being elected by all voters, the Chief Minister would be elected by the 12 Assembly members.

2. Elected members would propose a Cabinet system. In spite of the reservations expressed by Baroness Amos, the elected members felt that a Cabinet system was essential for a ministerial Government for the island. The concerns of Baroness Amos are fully addressed in the proposals.

3. The Cabinet system would place responsibility for the day-to-day running of the island into the hands of the elected members, who would act as ministers. They would be responsible and accountable to the public.

4. Officials would not be members of either the Cabinet or of the Legislative Assembly. Their role would be that of advisers.

5. The Governor would retain the power to act in his own discretion, but only with prior approval from the Secretary of State and only if a proposed decision of the Cabinet was inconsistent with a partnership value.[10]

17. It became clear during the negotiations that the proposal was not favoured by the Foreign and Commonwealth Office. While much consensus has been reached on the draft heads of Agreement, the key issue of a three-tier ministerial government (composed of a Legislative Assembly; a Cabinet, with the Chief Minister as President; and an Executive Council with a presiding Governor) or a Caribbean-style two-tier ministerial government (composed of a Legislative Assembly and a Cabinet with a presiding Governor) has still to be resolved.

18. The response of the administering Power to St. Helena's ongoing public consultations on constitutional reform was summarized as follows by the Governor in his 2003 Christmas message when he stated that there was something of a hiatus over constitutional reform as councillors were still insisting on a ministerial system of government with a separate cabinet and Executive Council that was unacceptable to British ministers. It was important for councillors (and the wider community) to understand the Government's concerns about distancing the Governor from the decision-making processes and to accept the need to retain safeguards to ensure good governance and compliance with international obligations. There would be further meetings in January [2004] between councillors and the Foreign and Commonwealth Office, which would hopefully lead to progress on constitutional change to give others in society direct responsibility for taking action to address the issues of the day. The visit in October by the three members of the House of Commons also had reinforced the advice that the two-tier system of ministerial government should be accepted.[11]

19. According to the Governor, two St. Helena Councillors went to the British Virgin Islands in the latter part of January 2004 to see how a ministerial form of Government worked. During subsequent meetings in London with legal advisers and the Overseas Territory Department, the working document entitled, "Heads of Agreement", was revised and sent to the Speaker of the Legislative Council in mid-February 2004 (see para. 12). The working document will form the basis for drawing up a new constitution. Advice is also being sought by the Legislative Council's Constitutional Advisor. An informal meeting of the Legislative Council has been called for 2 April 2004, to take matters forward.

20. The island's Citizenship Commission has expressed concern over the complexity of a ministerial system of government for such a small island community. The Commission, noting the island's economic and human resource crises, has presented figures indicating the small number of persons to draw on to form the proposed government for St. Helena.[12]

21. In the context of the ongoing dialogue on the future of the island, at the end of 2002 the Legislative Council of St. Helena publicized 13 proposed strategic objectives that would allow the Government to negotiate its new three-year aid agreement (2004-2007) with the United Kingdom (see A/AC.109/2003/4, para. 17). A scheduled visit to St. Helena in October 2003 by the United Kingdom's

Department for International Development (DFID), to discuss the new aid agreement has now been postponed to the fall of 2004.[13]

22. In May 2003, following discussions with the public, the St. Helena Government approved the following six strategic objectives for the island:

1. Improved access.

2. Improved standard of education.

3. Development of a sustainable and vibrant economy.

4. Development of a healthy community in a safe environment.

5. Promotion and development of a sustainable workforce.

6. Continuing development and establishment of the democratic and human rights and the self-determination of the people.

23. According to the Government, the objectives not selected from the original 13, would be taken into consideration upon implementation of the six selected objectives. At the time of the selection, the Government stated that it would work towards producing a strategy statement incorporating the objectives and the work that underpinned them. The document would play an important role during budget discussions with the Department for International Development as it would demonstrate what St. Helena wanted to achieve and how it intended to do so. The budgetary discussions, postponed until the fall of 2004, would include details on how departments would contribute towards achieving the strategic objectives.[14]

IV. Economic conditions

A. General

24. According to the Government of St. Helena, the island is in economic decline: the tax base is shrinking because the birth rate has dropped, the population is ageing and skilled individuals, especially the young, are leaving the island in pursuit of higher wages offshore. St. Helena's heavy dependence on United Kingdom aid and other external funding for capital and technical investment allows the population to enjoy a higher standard of living than local resources would be able to sustain. In 1999, after lengthy consultations, the Government of St. Helena issued the Strategic Review for the period 2000-2010. As the economy is heavily dominated by the State sector, with some 70 per cent of the workforce employed by the Government or State-owned enterprises, the main focus of the Review is public-sector reform and private-sector development.[10] Also outlined are options for St. Helena to generate sustainable wealth through internal investment, tourism, exports and import substitution. With the exception of the last, all are heavily dependent on significantly improved access (see paras. 37-39). In October 2003, the Parliamentary Under-Secretary of State for International Development, Gareth Thomas, said in the House of Commons that St. Helena's economy and its population were matters of concern. He noted that the island's economic situation was deteriorating and that the population had decreased by about a quarter in 18 months. He said that action was needed.[15]

B. Assistance from the United Kingdom of Great Britain and Northern Ireland

25. In real terms, aid from the United Kingdom has fallen over the last decade, which has had an effect on the St. Helena economy. More than 30 per cent of the Government's annual recurrent budget is funded by the United Kingdom's Department for International Development (DFID), as is much of its capital investment.[16] In 2000 DFID and the Government of St. Helena agreed on a new country policy plan for the period from 2000/01 to 2002/03, designed to make the island more self-sufficient by promoting the private sector and raising efficiency in the public sector. DFID pledged £29 million in development assistance resources, which also included an annual subsidy for the operation of the *RMS St. Helena*, awards for training in the United Kingdom and infrastructure projects such as road works and wharf improvement. According to information provided by the administering Power, during the period April 2002 to March 2003, the actual amount of grant-in-aid from the United Kingdom was 42 per cent of the Government's budget. In addition, the amount of development aid provided was 16 per cent. DFID has also offered to contribute more than £26 million towards the cost of developing air access for St. Helena if satisfactory proposals could be agreed upon. Further, in 2003, the Foreign and Commonwealth Office established an Economic Diversification Programme Budget (EDPB) to assist the Overseas Territories to diversify and enhance their economic base and thereby lessen their dependence on one or two sectors. It provides a source of funding to support small enterprises and entrepreneurial talent to launch new business activities in the Overseas Territories particularly, but not exclusively, in non-traditional areas. Finance from EDPB has been used to set up a small business expansion scheme in St. Helena, worth £150,000 per annum for three years.[17]

26. A team from DFID visited St. Helena from 19 to 25 July 2002. Due to the ongoing public discussions on air and sea access and the proposed strategic objectives for the island's future, it was agreed that a one-year extension of the current country policy plan would be preferable to a new three-year plan. The team announced that DFID's development assistance for 2003/04 would be £10.7 million, a 7 per cent increase over the original planning figure for 2002/03.[18] The next team visit from DFID has been postponed to the fall of 2004 (see para. 21 above).

C. Development projects

27. St. Helena also receives assistance from the United Nations Development Programme (UNDP). The second UNDP country cooperation framework for St. Helena (DP/CCF/STH/2) covers the period 2001-2004, with allocated regular resources of $1,021,000. The UNDP representatives visited St. Helena from 27 March to 12 April 2003 to review the ongoing implementation of two main multi-purpose projects: training and consultancy to support sustainable livelihoods; and employment in the tourism sector and development of the private sector. So far, UNDP notes as principal achievements the publication of St. Helena's national human development report (to be updated in 2005), the technical support provided to the island's Development Office, the expansion of Internet and Intranet networks for the territorial Government, the procurement of remote sensing equipment to enable St. Helena to monitor offshore fishing in its territorial waters and

improvement in the quality of the island's drinking water. Continuous progress has been made in skills training for tourism and related areas, such as sign production, catering and improvement in services provided by the island's Tourism Office. UNDP has also funded a project to provide services for the elderly and disabled so as to help them remain within the community. The third UNDP country programme for St. Helena, covering the period 2005-2007, is being developed and is expected to be approved by the UNDP Executive Board in June 2004.

28. As mentioned earlier, DFID has offered to contribute more than £26 million towards the cost of developing air access for St. Helena (see para. 25).

29. St. Helena is also eligible to receive funds from the European Union. Since 1995, St. Helena has been allocated a total of €14.35 million from EU funds.[19] Representatives of the island attended the European Union-Overseas Countries and Territories Forum held in Brussels in December 2003. The Forum dealt with matters of concern to all Overseas Territories, such as accessing and obtaining EU funding from the EU's so-called horizontal budget lines, other forms of aid such as trans-shipment, and the difficulties experienced by Overseas Countries and Territories with regard to obtaining regional funding from the European Union.[20]

D. Agriculture and fisheries

30. No further developments have been reported. Details on land use and agriculture are contained in the 2003 working paper (see A/AC.109/2003/4, para. 23).

31. Fisheries are an important sector in St. Helena's economy, although the islanders have the capacity to fish only the 12-mile inshore waters of their 200-mile exclusive economic zone. There are 30 fishing boats with commercial licences, but only 12 work full-time. The local fishermen sell their catch to the St. Helena Fisheries Corporation (SHFC). In 2002/03, SHFC exported frozen fish with a value of £38,117, down from £57,245, while sales of fish for local consumption amounted to £118,439, down from £239,840. A number of international companies are licensed to fish in the waters off St. Helena and Ascension Island and these licences have, in the past, contributed up to 20 per cent of all local revenue. However, licence revenue derived from foreign fishing vessels has decreased drastically over the past three years with an average of £127,276, the lowest being £54,012 in the 2002/03 financial year.

32. St. Helena is developing a reputation for high-quality export products, including coffee and fish. St. Helena coffee is considered one of the highest quality, premium coffees in the world. St. Helena's fish have become the first wild fish to receive organic certification from the Soil Association, the United Kingdom's leading campaigning and certification organization for organic food and farming.[21]

33. After five years of negotiations, the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean was signed in Windhoek on 20 April 2001.[22] The benefits and obligations that it is expected to bring St. Helena are detailed in A/AC.109/2002/5, paragraph 23.

E. Manufacturing and industry

34. No further developments have been reported. Details on the issue are contained in the 2003 working paper (see A/AC.109/2003/4, para. 26).

F. Transport, communications and utilities

35. St. Helena has more than 100 kilometres of surfaced roads. A public transport system was launched in November 2003 by the St. Helena Government. The system is still operating on a trial basis with three bus service providers and adjustments are being made following comments from the public and the service providers. The Government is hoping that the service will continue, as it is providing the people of the island with a cheaper means of transportation. Continuation of the project will depend on its profitability in the immediate future.[23]

36. The only port is Jamestown, which provides good anchorage, although it would require a breakwater to allow passengers of large cruise vessels to come ashore in all types of weather. Since there is no airport or airstrip on the island, the island's only link with the outside world continues to be the *RMS St. Helena*, which is owned and chartered by the St. Helena Shipping Company, Ltd., and which plies between Cardiff in the United Kingdom and Cape Town in South Africa, calling at the Cape Verde islands and Ascension.

37. In the St. Helena Strategic Review 2000-2010, the Government stressed that "the island's extreme aid dependency cannot be reduced until access to the island is fundamentally improved". The territorial Government declared its preference for air access as the most effective way to attract investment and tourism and to create much-needed local employment. In June 2001 a consulting company appointed by the Foreign Office to undertake a comparative cost study of air and sea access indicated that a single runway would cost more than £38 million, while a dual runway would cost £50 million. The replacement cost of the *RMS St. Helena* was estimated at £26.3 million.[24]

38. In January 2002 St. Helenians voted on the question of future access to the island, given a choice between having an airport, with alternative arrangements being made for shipping, or not having an airport, with a replacement for the *RMS St. Helena* instead. Almost 72 per cent voted in favour of an airport. In March 2002 DFID arranged for a delegation from St. Helena to travel to London to discuss air access issues. The talks centred on funding, economic planning, social and environmental impacts, and current United Kingdom practices on public/private sector joint ventures.[25] In September 2002, it was agreed with the Territorial Government that a prospectus should be issued on the international market inviting innovative proposals for the construction of the airport. The Government has stressed that the islanders will have only one chance to introduce air access and that they must "get it right".[26] In the meantime, the Government is also stressing in its strategic objectives the need to build a wharf and improve freight and passenger access to St. Helena by sea.

39. DFID has offered to contribute more than £26 million towards the cost of developing air access for St. Helena if satisfactory proposals can be agreed upon. According to the *St. Helena Herald*, four companies have participated in the air access bids. WS Atkins, a consultancy company, was contracted as an adviser to the

Government of St. Helena in September 2003. A report by WS Atkins evaluating the bids was expected by the Government's air access team at the end of 2003. After reviewing the report, the team intends to refer its recommendations to the Executive Council in mid-January 2004 and, from there, they would be referred to the Legislative Council. A parallel process would be undertaken in DFID and, once a consensus had been reached, the conclusions would be made public. A newly appointed Air Access Project Coordinator, Sharon Wainwright, arrived in St. Helena in February 2004.[27]

G. Banking and credit

40. No further developments have been reported. Details on the issue are contained in the 2003 working paper (see A/AC.109/2003/4, para. 30).

H. International trade

41. St. Helena's main imports are food products and tobacco, motor spirits and fuel oil, animal feed, building materials, motor vehicles, machinery and spare parts; its only exports are coffee, fish and handicrafts (see also para 32 above).[28] Its main trading partners remain the United Kingdom and South Africa.

V. Social conditions

A. General

42. The team of DFID and Foreign and Commonwealth Office representatives that negotiated the country policy plan for 2001/02 to 2002/03 stated that, measured by international norms, St. Helena is a middle-income country with few signs of real material poverty. However, the team added that this is largely owing to the all-encompassing Government safety net, which guarantees everyone a minimum standard of living, and to social networks, which encourage the distribution of income among kin, most notably in the form of remittances. The country policy plan identifies two particularly vulnerable sectors, namely, the increasing number of elderly people (expected to be 24 per cent of the population by 2010) who live on social benefits, and the disabled, who have special, unmet needs. It also points to a "culture of dependency" on the island, partly as a consequence of the Government being the main employer and almost the only provider of services. In 2000, the Government noted in the St. Helena Strategic Review that once British citizenship was restored, it could be expected that the young people would leave the island and that many would not return. St. Helena's Governor, David Hollamby, in his 2003 Christmas message spoke about the "accelerated haemorrhage of our skilled and young people to offshore employment", as the downside to the restoration of full British citizenship, while noting that the development of air access was critical for the future economic development of the island.[29]

B. Employment

43. As a result of the dependence on imports, the paucity of exports and the small size of the internal market, there are limited employment opportunities on St. Helena. The public sector remains the dominant employer, employing a total of 1,149 persons during the period from 1 April 2001 to 31 March 2002. As at the end of March 2002, there were 176 persons in community employment and a further 64 registered as unemployed. In October 2003, the Government launched the Long-term Unemployment Policy, in which the Employment and Social Security Department has been working closely with the unemployed to identify their training needs. Some have already embarked on training programmes which will enable them to gain full-time employment. The Department is also identifying key areas in which UNDP support is needed to assist with the training of the long-term unemployed. A project memorandum will be submitted to UNDP for approval at the next UNDP Country Cooperation Framework for St. Helena, covering the period 2005-2007 (see para. 27).

44. Offshore employment has steadily increased to include more than 30 per cent of the working population. Some 1,275 of the island's workers are employed on Ascension, in the Falkland Islands (Malvinas) and in the United Kingdom; their remittances to St. Helena total £3 million per year. However, as virtually all contracts for offshore employment are for unaccompanied workers, there is a significant social burden because of the dislocation of families. In addition, the loss of trained staff to better-paid offshore employment makes it necessary to bring in more expatriate workers, particularly nurses and teachers. The St. Helena Strategic Review 2000-2010 showed that remittance from offshore workers was not sustainable and very clearly spelled out the dire consequences if people were not put at the centre of development, stating that no community could prosper if its biggest export was its people.[30]

C. Public health

45. No further developments have been reported. Details on the issue are contained in the 2003 working paper (see A/AC.109/2003/4, para. 34).

D. Education

46. Education is compulsory and free for children between 5 and 15 years of age. In 2002/2003, 669 children, and 104 students over the age of 15, were attending seven public schools in the Territory, and eight students were in tertiary education in the United Kingdom. There were 87 full-time teachers (including three abroad for additional training) and three part-time teachers. Total expenditure on education in 2003/2004 was estimated at £1,273,590, representing 11.31 per cent of total Government expenditure.

47. The introduction of British standardized tests in English and mathematics in the first and middle sections of school have shown that the majority of pupils score lower than their British counterparts. Results from the secondary school examination for students 16 years of age and over show that these pupils are also seriously underachieving, with fewer than 12 per cent of them each year attaining the

minimum five qualifying grades for the General Certificate of Secondary Education or equivalent, compared with 40 per cent in the United Kingdom. These problems have been attributed in part to the high level of staff turnover and staff members' lack of qualifications and experience.[31]

E. Environment

48. St. Helena has an environmental conservation programme aimed at preserving endangered species and diversity of habitats, which are an important part of the Territory's heritage and could potentially increase tourism. The World Conservation Union lists as endangered 40 per cent of St. Helena's plants, while other conservationists insist that the actual proportion is even higher. In September 2001 the United Kingdom and the Overseas Territories adopted a set of environment charters setting out for the first time the mutual responsibilities of both regarding the environment. The St. Helena Government listed conservation as one of its 13 original strategic objectives. It notes as key areas improved waste management, protecting the marine environment and "green" initiatives such as recycling and renewable energy.

49. During the launch, announced on 10 December 2003, of a joint initiative between the Foreign and Commonwealth Office and DFID, the Overseas Territories Environment Programme doubled the amount of money (£3 million) available to the Overseas Territories for developing and implementing action plans under the environment charters that had been signed in September 2001. The agreements between the United Kingdom and the Overseas Territories were designed to develop sound environmental management practices. It was reported that the cash fund would be made available until March 2007, by which time the United Kingdom and Overseas Territories governments needed to show that real progress had been made.[32]

VI. Dependencies of St. Helena

A. Ascension

1. General

50. Ascension was discovered by the Portuguese in 1501 and "found" again on Ascension Day in 1503 by Alphonse d'Albuquerque, who named the uninhabited island. Ascension covers an area of 90 square kilometres and is of volcanic origin. In 1815, when Napoleon was a prisoner on St. Helena, a small British naval garrison was stationed on Ascension. The island remained under Admiralty supervision until 1922, when it was made a dependency of St. Helena. From then until 1964 the island was managed by the Eastern Telegraph Company (renamed Cable and Wireless in 1934). In 1964, in view of the plans to establish British Broadcasting Corporation (BBC) and Composite Signal Organization stations, an Administrator was appointed. During the Second World War the United States Government built the Wideawake airstrip on the island. In 1957 a United States Air Force presence was re-established, and the airstrip and ancillary facilities were enlarged. It is now the south-east tracking station for the United States Air Force Eastern Test Proving Ground. In 1982 it became the intermediate stop for Royal Air Force flights to and

from the Falkland Islands (Malvinas). For the past three years, British and United States officials have been discussing the possibility of opening Wideawake airstrip to civilian charter traffic.[33]

2. Constitutional and political status

51. Executive authority for the Territory is exercised by the Governor of St. Helena. A resident Administrator is responsible to the Governor. Ascension has for many years been primarily an important communications centre. As there have never been any indigenous inhabitants, the population (some 1,100 people) is made up of the employees of companies established on the island and their families. Until 2001, all administrative and public services were provided by Ascension Island Services, a joint venture partnership between BBC World Service and Cable and Wireless, directed by a London Board of "Users". Owing to changed geopolitical priorities and rising salaries, in 1999 the London Board decided to disband the joint venture by 31 March 2001. As at that date, responsibility for services was undertaken by a new, transitional Ascension Island Government, consisting of the Governor of St. Helena and the Administrator of Ascension. Since then the islanders have been engaged in deciding how to broaden their political and legislative status.

52. Throughout 2001/2002 there was considerable discussion among the inhabitants of Ascension about the future shape of their Government. According to a constitutional adviser from the Foreign and Commonwealth Office, Michael Bradley, who visited Ascension in October 2001,[34] a majority of Ascension inhabitants did not want a complete separation from St. Helena but were concerned that any new legislative forum should not be a subsidiary administration of St. Helena. His report found considerable support for the creation of a representative Government, but views diverged on its powers and responsibilities. Proposed options included the creation of a legislative council similar to St. Helena's or of an advisory council that could then evolve into a full legislative body like those in other Overseas Territories. Bradley reported that an Order in Council to meet the needs entailed in any of the options would take at least a year. It was recommended that, as an interim solution, the Governor use his existing powers to provide for an island council similar to that of Tristan da Cunha.

53. Following lengthy public discussions and controversial exchanges with the administering Power on the modalities of democratic government that Ascension Island could adopt, a referendum was held on 23 August 2002, in which the inhabitants were asked to choose between two models: either a local island council or a local island council with certain services, in areas such as economic development, health and education, managed by an inter-island council that would include members from St. Helena. Ninety-five per cent of the voters in the referendum favoured the first option, namely, an island council having financial and managerial responsibility for the services provided to the island.

54. Still to be developed however, is another governmental body, a joint consultative forum, which would harmonize the relationship between St. Helena and Ascension on matters of common interest. In this respect, the independent constitutional adviser, Alison Quentin-Baxter, who visited Ascension in September 2002, recommended that the people of Ascension and St. Helena take their inspiration from similar cooperative arrangements among small independent States

in the Eastern Caribbean, among small Pacific island States and between Australia and New Zealand.[35]

55. Following the August referendum, Ascension held a general election for its first Island Council on 1 November 2002. Three hundred and thirty-seven people voted (54 per cent of the electorate), electing 7 of the 12 nominated candidates to serve on the Council. The new councillors were sworn into office on 7 November and received messages of support from Baroness Amos, Foreign Office Minister for the Overseas Territories, and from the Governor of the Territory. The Council met on 5 December 2002 and agreed on funding for education abroad, amendments to a harbour ordinance and the formation of a Finance Committee.[36]

3. Economic and social conditions

56. No further developments have been reported. Details on the issue are contained in the 2003 working paper (see A/AC.109/2003/4, paras. 44-46).

B. Tristan da Cunha

1. General

57. The dependency of Tristan da Cunha[37] is composed of four islands — the main island, called Tristan da Cunha, plus Gough, Inaccessible and Nightingale. Tristan da Cunha, a round volcanic island with an area of 98 square kilometres, is the most remote inhabited island in the world. Its closest neighbours are St. Helena, 2,334 kilometres to the north, and Cape Town, 2,778 kilometres to the east. Its population was evacuated to the United Kingdom when the volcano last erupted, in 1961, but returned in 1963. The only settlement on the island is the capital, Edinburgh of the Seven Seas. According to the Administrator, as at December 2000 the population consisted of 283 people divided into approximately 100 households.[38] A team of South African meteorologists lives on Gough. Inaccessible and Nightingale are uninhabited.

2. Constitutional and political status

58. Following the passage of the British Overseas Territory Bill in 2002, the people of Tristan da Cunha have full British citizenship and the right of abode in the United Kingdom.

59. Executive authority for Tristan da Cunha is exercised by the Governor of St. Helena. A resident Administrator is appointed by the Governor and is responsible to him. The Administrator is advised by an Island Council, led by the Chief Islander and comprising eight elected members (including at least one woman) and three appointed members. Elections are held every three years. All registered voters over 18 years of age are eligible to vote.

60. Tristan da Cunha has its own legislation, but St. Helena law applies to the extent that it is not inconsistent with local law, insofar as it is suitable for local circumstances and subject to such modifications as local circumstances make necessary. There is one full-time police officer and three special constables. The Administrator is the Magistrate.

3. Economic and social conditions

61. No further developments have been reported. Details on the issue are contained in the 2003 working paper (see A/AC.109/2003/4). However, with regard to access to the island, there is no air service to Tristan da Cunha. Transport to and from the island has been provided in the past by the yearly call of the *RMS St. Helena*, an occasional passenger ship, two fishing concession vessels and the South African research vessel *SA Agulhas*. In January 2004, St. Helena's Governor announced that, after careful consideration, the Government had decided to stop visits to Tristan da Cunha by the *RMS St. Helena*. The Governor noted that the Tristanians had not been relying on the ship to carry passengers and cargo to the island. The Governor stressed that the changed schedule would not affect either the United Kingdom's or St. Helena's relationship with Tristan da Cunha and that it would still be possible for people to visit Tristan de Cunha, travelling from Cape Town via alternative shipping means.[39] Owing to rough seas, the harbour is accessible only 60 to 70 days a year. Improvements to the harbour are considered vital to Tristan da Cunha's future. Work is under way to design and construct a safer harbour, which would increase visits by passing ships.

VII. Future status of the Territory

A. Position of the administering Power

62. In his statement at the second meeting of the Fourth Committee of the General Assembly, on 6 October 2003 (see A/C.4/58/SR.2), the representative of the United Kingdom said that his Government welcomed the opportunity, as an administering Power, to bring the Committee's attention to a number of significant developments that had taken place during the year. Following the adoption in 2002 of the British Overseas Territories Act, which granted all citizens of those Territories full British citizenship, the right of abode in the United Kingdom and freedom of movement within the European Union, over 14,000 passports had been issued by August 2003. As for environmental management in the Overseas Territories, the representative said that his Government was working closely with the Territories to fulfil the commitments it had entered into under multilateral agreements and to support the efforts of the Territories themselves to protect and improve their environment.

63. With respect to the constitutional reviews, discussions were under way in the Cayman Islands, the Falkland Islands, Gibraltar, Montserrat and the Turks and Caicos Islands. The authorities of Anguilla had set up a committee to canvas views from the population at large and a locally appointed review commission was expected to be established shortly in the British Virgin Islands. Talks with St. Helena have also started and are the furthest advanced, whereas discussions with Gibraltar have yet to commence. In terms of the Committee's specific interests, two years into the Second International Decade for the Eradication of Colonialism, perhaps the most significant development had been the decolonization seminar that had been held in Anguilla, from 20 to 22 May 2003, since it was the first time that the seminar had been held in a British Non-Self-Governing Territory. The choice of venue and the focus of the seminar had meant that several chief ministers and their equivalents, as well as opposition leaders and civil society representatives, had been able to attend. The representative of the United Kingdom said that the seminar had

shown the extent to which many of the British Overseas Territories had dynamic and advanced economies that already benefited from a high degree of self-government.

64. The representative said that the United Kingdom had the impression that there was no strong desire in its Territories to choose the path of independence, even though his Government had made it clear that it would give encouragement where independence was an option. The key, therefore, as long as the Territories chose to retain their link with the United Kingdom, would be to try to reconcile their desire for ever greater autonomy and self-government with the United Kingdom's responsibility to ensure good governance, to protect the impartiality of the public service and the independence of the judiciary, and to ensure compliance with relevant international obligations.

65. In his closing remarks during the fifth Overseas Territories Consultative Council, convened in London from 8 to 10 December 2003, the Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs said that the role of the Governors vis-à-vis constitutional reform, was based on the principle of partnership. According to the Under-Secretary of State, the concept of free association advanced by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples would not be inconsistent with that position, if it meant mutual acceptance by both sides, because the United Kingdom had responsibilities to protect. But if it meant, as he sensed to be the argument of some Territory Governments, that some territories would draw their own constitutions free of outside interference, the United Kingdom would not agree with that. The Under-Secretary went on to add that his Government valued its relationship with the Territories. It would not wish to force them into independence, although it would respond positively, where this was an option (i.e., not Gibraltar) if that was the clear and constitutionally expressed wish of the people. The United Kingdom respected the fact that for some Territories independence might be the long-term objective. He stressed, however, that while the Territories retained a link with the United Kingdom, their governance should be in partnership with it.[40]

B. Position of the Territory

66. In September 1999 the Government of St. Helena published the St. Helena Strategic Review 2000-2010, in which it outlined its medium-term and long-term vision for St. Helena. During 2003, the territorial Government put forward proposals for constitutional reform, as well as strategic objectives to plan for the 2004-2007 aid package to the island and requested the public to respond to both (see paras. 12-23 above).

67. The Legislative Councillor of St. Helena, William Drabble, participated as an expert in the Caribbean Regional Seminar organized by the Special Committee, which was held in Anguilla in May 2003. He noted that St. Helena and Montserrat were the only two grant-aided Overseas Territories. In St. Helena's case, the reason was its isolation and the fact that it did not produce enough raw materials to cover its expenses. Currently, St. Helena had no aspirations towards independence. It could not afford independence, nor did it want a flood of visiting Europeans. He said that St. Helena was very satisfied with what the United Kingdom had done for it, by balancing the books year after year. He also said that like the other Overseas

Territories, St. Helena would like to have more say in managing its own affairs (see A/58/23 (Part I), annex, para. 28).

VIII. Consideration of the question by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

68. The Special Committee considered the question of St. Helena at its tenth meeting, on 23 June 2003, in the context of the consolidated draft resolution A/AC.109/2003/L.13 on the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands. At the same meeting, the Special Committee adopted draft resolution A/AC.109/2003/27 (see A/58/23, chap. XII, sect. F).

B. Special Political and Decolonization Committee (Fourth Committee)

69. At its 7th meeting, on 14 October 2003, the Fourth Committee adopted without a vote the draft resolution on the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands (see A/C.4/58/SR.7).

70. After the vote, the representative of the United Kingdom said that, as in previous years, the United Kingdom was pleased to support the consensus on the draft resolution, thereby reflecting his Government's full support of the right of the peoples to self-determination as contained in the Charter of the United Nations (Article I, paragraph 2) and in paragraph 4 of the United Nations Millennium Declaration.

C. General Assembly

71. On 9 December 2003, the General Assembly adopted without a vote resolution 58/108 A-B, section IX of which specifically referred to St. Helena. In that section, the Assembly took into account the character of St. Helena, its population and its natural resources, and noted the efforts of the administering Power and the territorial authorities to improve the socio-economic conditions of the population of St. Helena, in particular as regards food production, continuing high unemployment and limited transport and communication. The Assembly noted with concern the problem of unemployment on the island and the joint action of the administering Power and the territorial Government to deal with it. The Assembly requested the administering Power and relevant international organizations to continue to support the efforts of the territorial Government to address the socio-economic development challenges, including the high unemployment and the limited transport and communication problems.

Notes

[1] Information contained in the present working paper has been derived from information transmitted to the Secretary-General on 22 January 2004 by the Government of the United Kingdom of Great Britain and Northern Ireland under article 73 *e* of the Charter of the United Nations, and from published sources.

[2] *St. Helena Herald*, 25 July 2003.

[3] The White Paper is reproduced in A/AC.109/1999/1 and Corr.1, annex.

[4] House of Commons Explanatory Notes, 30 October 2001.

[5] Press releases, "Baroness Amos and Citizenship", *St. Helena Herald*, 22 March 2002, and "A Promise Fulfilled", *St. Helena Herald*, 17 May 2002.

[6] *St. Helena Herald*, 2 May 2003.

[7] Ibid., 29 August 2003.

[8] Ibid., 23 January 2004.

[9] Ibid, 11 October 2002.

[10] Ibid, 2 May 2003.

[11] Ibid., 19 December 2003.

[12] Ibid, 4 April 2003.

[13] Ibid, 19 December 2003.

[14] Ibid., 16 May 2003.

[15] Ibid., 31 October 2003.

[16] www.sainthelena.gov.sh and letter from the Under-Secretary of State, reported in *St. Helena News*, 2 March 2001.

[17] www.sainthelena.gov.sh/lifestyle/News-statementcpa.html.

[18] Aide-memoire, St. Helena Country Policy Plan Mission, *St. Helena Herald*, 27 September 2002.

[19] *St. Helena Herald*, 27 February 2004.

[20] Ibid., 19 December 2004.

[21] www.sainthelena.gov.sh.

[22] South-East Atlantic Fisheries Organization press release, in *The Islander*, 19 July 2001.

[23] www.sartma.com.

[24] *St. Helena Herald*, 11 January 2002.

[25] Press release, reported in *St. Helena Herald*, 22 March 2002.

[26] *St. Helena Herald*, 18 October 2002.

[27] Ibid., 31 October 2003, 21 November 2003, 12 December 2003, and 5 March 2004.

[28] www.sainthelena.gov.sh.

[29] *St. Helena Herald*, 19 December 2003.

[30] Ibid., 27 February 2004.

[31] St. Helena Strategic Review 2000-2010, St. Helena Government, September 1999.

[32] Foreign and Commonwealth Office Press Release, 10 December 2003, www.fco.gov.uk.

[33] www.the-islander.org, 15 August 2002.

[34] Ibid., 7 March 2002.

[35] Ibid., 12 September 2002.

[36] Ibid., 7 November, 17 November and 12 December 2002.

[37] Information derived from "Tristan da Cunha" (1998), by Brian Baldwin, Administrator of Tristan da Cunha.

[38] Interview with the Administrator of Tristan da Cunha, Falkland Islands News Network (SARTMA), 6 December 2000 (see www.sartma.com).

[39] www.sainthelena.gov.

[40] Report of the proceedings of the Fifth Overseas Territories Consultative Council, 8-10 December 2003, annex F, closing remarks by Mr. Rammell.